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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,867	07/13/2000	Raymond A. Galietti	367.1.001	4368

7590 12/01/2005
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EXAMINER

CUFF, MICHAEL A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/615,867

Applicant(s)

GALIETTI, RAYMOND A.

Examiner

Michael Cuff

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10 and 11 recite "said user". However, claim 9 just established a different user than the one in independent claim 24. It is unclear which user is the "said user". A --non-registered user-- may be clearer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denious et al. in view of Hartrick et al.

Denious shows all of the limitations of the claims except for specifying details of the user database or the modification of the database.

Denious shows, figure 1, a method for providing an electronic course. The system shows students being registered at a school for specific classes and electronic

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course material, including textbooks, is available. Reference data 30 refers to presentation data, audio data, visual data, multimedia data, textual data, graphical data, (claims 6 and 7) and any other data that may form an element or support a feature of an electronic course. As shown in FIG. 1, at least one student terminal 20 and at least one instructor terminal 22 may access a communications network 12 (e.g., Internet, includes claims 2-5) via a public telephone network 24 (e.g., public switched telephone network) and a communications service provider system 26 (e.g., Internet service provider (ISP) system). A student terminal 20 may comprise a client or a personal computer (claim 24 parts e, g and h), which is coupled to the communications network 12 for communication with the central data processor 14. The central data processor 14 may comprise a server that is capable of communicating with one or more student terminals 20. A security interface 13 (e.g., firewall) is coupled between the communications network 12 and the central data processor 14 to authenticate authorized students (claim 8 and part f of claim 24) subscribing to electronic courses. The security interface 13 prevents unauthorized users from accessing the course database 18.

The examiner takes Official Notice that student have a school file (user profile), which contains identification data, school data, and class data. By way of example, the examiner would like to show claims 19-21. A new student enrolls in the school. Registration for classes with the Denious system would obviously entail establishing registration process, creating a new profile with ID and password, and placing the new profile in with the other students in a database.

Based on the discussion above, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Denious to specify more details in order to be more clear on the implementation of the invention.

With regards to claims 10 and 11, Hartrick et al. teaches, figure 8, a data processing system. A publisher (central computer) has multiple books 70 and 72 (electronic publications which have different subject matter and form a library database which is searchable over the network at the user workstation). The individual chapters are available separately (discrete data units, text and graphics). There is a user profile 23. There is a request to the publisher for data (step 432). Data is transmitted based on validation (step 510). Data can be displayed at user's workstation. The network 49 can make use of the Internet by hardwire or wireless. The system is directed to a royalty payment system in order to generate revenue.

Based on the teaching of Hartrick et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Denious system to incorporate the Hartrick system for those not registered in order to generate revenue.

Response to Arguments

Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 11/28/05
Michael Cuff
November 28, 2005